

The October 9, 2013 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 7:00 P.M. with the following members present:

Susanne Murphy, Chairman
James M. Stanton, Vice Chairman
Daniel J. Cunningham, Jr., Clerk
Ted C. Case, Member (not present)
James S. DeCelle, Member (not present)

Matthew Zuker, Associate Member

7:00 p.m. – John Santos – Case #12-13 (cont'd from 8/14/13 and 9/18/13) (Murphy, Stanton, Cunningham, Zuker)

Ms. Murphy read the public hearing notice for **JOHN SANTOS, Case #12-13**, with respect to property located at 1900 Main St., Walpole and shown on the Assessors Map as Lot No. 46-67, Industrial Zone.

The application is for:

A Special permit under Section 5.B.4.e of the Zoning Bylaws to allow the sale and repair of used cars and trucks.

Ms. Murphy read comments from Sewer and Water Commissioners, dated September 25, 2013, and Conservation Agent, Landis Hershey, dated October 3, 2013.

Mr. Santos informed the Board that he has removed the portion of the fence that was on Town property, and re-installed on the referenced property.

Ms. Magnuson informed the Board they have contacted LSP's for proposals and estimates, and have not chosen one yet.

Mr. Zuker commented that the work Mr. Santos has done to the property is a big improvement to what was there before.

Ms. Murphy said the Board would like to see a letter from DEP explaining the gas trap issue.

Ms. Magnuson explained that they have been unable to obtain a letter from DEP, as yet. Further, she informed the Board that any cars inside the building will be there for repairs only.

Mr. Santos explained that the Conservation Commission has given him permission to put the driveway in without gas traps, as mandated by DEP.

Ms. Murphy asked where the cars are going to be parked and how many are proposed, and where the employee and handicapped parking is located.

Mr. Santos informed the Board that he wants 18 cars in all with 7-8 out front. The rest will be parked in back. He has already built the handicap ramp. Ms. Magnuson drew the parking spaces on the plan dated September 10, 2013, revised October 9, 2013.

Ms. Murphy referred to the outstanding taxes owed on the property.

Mr. Santos informed her that the Conservation Commission is making that as a condition prior to their releasing the Order of Conditions.

A motion was made by Ms. Murphy and seconded by Mr. Cunningham, on behalf of the applicant, to close the public hearing.

The vote was **4-0-0 in favor**. (Murphy, Cunningham, Stanton, Zuker voting)

A motion was made by Ms. Murphy and seconded by Mr. Cunningham on behalf of the applicant to grant Special permit under Section 5.B.4.e of the Zoning Bylaws to allow the sale and repair of used cars and trucks.

The vote was **4-0-0 in favor**; therefore the application for **Special Permit is hereby granted**, subject to the following conditions: (Murphy, Cunningham, Stanton, Zuker voting)

CONDITIONS:

1. As stipulated by the applicant at the public hearing, the property shall be used for the sale and repair of used cars and trucks.
2. As stipulated by the applicant at the public hearing, the parking shall be as depicted in the Plan by Colonial Engineering Inc., dated September 10, 2013, revised October 9, 2013, presented at the public hearing.
3. As stipulated by the applicant at the public hearing, all back taxes must be paid
4. As stipulated by the applicant at the public hearing, the applicant must meet all stormwater management regulations.
5. As stipulated by the applicant at the public hearing, cars within the building are for repair only.
6. As stipulated by the applicant at the public hearing, there shall be a maximum of three cars within the building at one time.
7. As stipulated by the applicant at the public hearing, there shall be eighteen (18) parking spaces, including one (1) handicap parking space, as shown on the plan dated October 9, 2013.
8. As stipulated by the applicant at the public hearing, the Used Car License must be received from the Board of Selectmen before operating the business.

9. This Special Permit shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L.c.40A, Section 17, if substantial use has not sooner commenced except for good cause.

REASONS:

It is the finding of the Board that the applicant has met the requirements under Section 2B of the Zoning By Laws in that:

- i. ***Shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.***
The use shall not cause vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood.
- ii. ***Shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.***
The use shall not have a number of residents, employees, customers, or visitors, so as to adversely affect the immediate neighborhood.
- iii. ***Shall not have a greater lot coverage than allowed in the zoning district in which the premises is located (refer to Section 4-B).***
The use shall not have a greater lot coverage than allowed in the zoning district in which the premises is located.
- iv. ***Shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.***
The use shall not be dangerous to the immediate neighborhood of the premises through fire, explosion, emission of wastes, or other causes.
- v. ***Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.***
The use shall not create such noise, vibration, dust, heat, smoke, fumes, odor, glare or other nuisance or serious hazard so as to adversely affect the immediate neighborhood.
- vi. ***Shall not adversely effect the character of the immediate neighborhood.***
The use shall not adversely effect the character of the immediate neighborhood.
- vii. ***Shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.***
The use shall not be incompatible with the purpose of the zoning bylaw or the purpose of the zoning district in which the premises is located.

The grant of relief under this decision is limited to the relief expressly granted hereunder; and any other relief sought is hereby denied.

MINUTES

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to approve the minutes of September 4, 2013 and September 18, 2013 as written.

The vote was **4-0-0 in favor.**

There being no further business, the meeting adjourned at 8:00 p.m.

Daniel J. Cunningham, Jr.
Clerk

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Minutes were approved on March 26, 2014